

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:23-CV-270

MACKENZIE ELAINE BROWN

Plaintiff

v.


EXHIBIT 5

HENDERSON COUNTY SHERIFF'S

OFFICE, et. al

Defendants

EXHIBIT 5: WARRANT FOR ARREST
(SEALED)

File No. 21CR 053859		Law Enforcement Case No. 21081426		LID No. 918035	SID No.	FBI No. WC9591CP2	
WARRANT FOR ARREST		HENDERSON COUNTY SHERIFFS OFFICE					
Offense I M-INJURY TO PERSONAL PROPERTY		STATE OF NORTH CAROLINA In The General Court Of Justice District Court Division HENDERSON County					
THE STATE OF NORTH CAROLINA VS.							
Name And Address Of Defendant MACKENZIE ELAINE BROWN 158 HAVEN ROAD EAST FLAT ROCK NC 28726 HENDERSON (828) 489-7361		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below: I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did wantonly injure personal property, HENDERSON COUNTY SHERIFF'S OFFICE PATROL VEHICLE, CAR NUMBER SH 208, VIN 2C3CDXAT4MH525152, the property of HENDERSON COUNTY SHERIFF'S OFFICE. The damage caused was in excess of \$200.00.					
Race W	Sex F	Date Of Birth [REDACTED]/1997	Age				
Social Security No./Tax ID No. [REDACTED]-1017		Drivers License No. & State [REDACTED] NC					
Name Of Defendant's Employer							
Offense Code(s) I 2912		Offense In Violation Of G.S. I 14-160					
Date Of Offense 10/01/2021 through 10/01/2021							
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 2021-10-01							
Complainant (Name, Address Or Department) ROBERT J. WARREN HENDERSON COUNTY SHERIFFS OFFICE 100 NORTH GROVE STREET HENDERSONVILLE NC 28792 HENDERSON (828) 697-4596							
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) MICHAEL S LINDSAY HENDERSON COUNTY SHERIFFS OFFICE 100 NORTH GROVE STREET HENDERSONVILLE NC 28792 HENDERSON (828) 697-4596							
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 10/01/2021		Signature SUSAN N OATES		Location Of Court	
				<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		Court Date Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM	

If this Warrant For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.

District Attorney

☐ Waived
☐ Not Indigent
☐ Denied

Attorney For Defendant

☐ Appointed
☐ Retained

PRIOR CONVICTIONS:

No./Level: 0 ☐ I (0) ☐ II (1-4) ☐ III (5+)

RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received 10/1/21 Date Served 10/1/21 Time Served 16:27 ☐ AM ☒ PM Date Returned 10/1/21

☒ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

Stuart

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (type or print)

Department Or Agency Of Officer

Justin Root

REDELIVERY/REISSUANCE

Date

Signature

☐ Dep. CSC
☐ Assist. CSC
☐ CSC

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received Date Served Time Served ☐ AM ☐ PM Date Returned

☐ By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

☐ This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (type or print)

Department Or Agency Of Officer

APPEAL ENTRIES

☐ The defendant, in open court, gives notice of appeal to the

☐ District ☐ Superior Court.

☐ The current pretrial release order is modified as follows:

Date

Signature Of District Court Judge Or Magistrate

WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived

Signature Of Defendant

Signature Of Attorney

PLEA: ☐ guilty ☐ no contest

☐ guilty ☐ no contest

☐ guilty ☐ no contest

☐ not guilty IPP

VERDICT: ☐ guilty IPP

☐ guilty

☐ guilty

☐ not guilty

M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3

M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3

M.C.L. ☐ A1 ☐ 1 ☐ 2 ☐ 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict, it is **ORDERED** that the defendant: ☐ pay costs and a fine of \$.

☒ be imprisoned for a term of 1 days in the custody of the ☐ sheriff. ☐ MCP. ☐ DACJJ.* Pretrial credit 1 days served.

☐ Work release ☐ is recommended. ☐ is not recommended. [☐ is ordered. (use form AOC-CR-602)]

☐ The Court finds that a ☐ longer ☐ shorter period of probation than that which is specified in G.S. 15A-1343.2(d) is necessary.

☐ Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court; (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine

Restitution**

Attorney's Fee

Community Service Fee

Other

\$

\$

\$

\$

\$

**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (NOTE TO CLERK: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382, "Certification Of Identity (Victims' Restitution)/Certification Of Identity (Witness Attendance).")

☐ 6. complete hours of community service during the first days of probation, as directed by the judicial services coordinator, and pay the fee prescribed by G.S. 143B-708 within days.

☐ 7. not be found in or on the premises of the complainant or

☐ 8. not assault, communicate with or be in the presence of the complainant or

☐ 9. provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319)

☐ 10. Other:

It is **ORDERED** that this: ☐ Judgment is continued upon payment of costs.

☐ case be consolidated for judgment with

☐ sentence is to run at the expiration of the sentence in

☒ **COMMITMENT:** It is **ORDERED** that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE:

☐ Probable cause is found as to all Counts except , and the defendant is bound over to Superior Court for action by the grand jury.

☐ No probable cause is found as to Count(s) of this Warrant and the Count(s) is dismissed.

Date

Name Of District Court Judge Or Magistrate (type or print)

Signature Of District Court Judge Or Magistrate

CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date

Date Delivered To Sheriff

Signature

☐ Dep. CSC ☐ Asst. CSC

☐ Clerk Of Superior Court